CLOSED

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA (Southern Division – Santa Ana) CRIMINAL DOCKET FOR CASE #: 8:01-cr-00140-DOC All Defendants

Case title: USA v. Popov
Other court case number: 4:02-mj-07049 INTERIN
Date Filed: 08/22/2001
Date Terminated: 04/08/2003

Assigned to: Judge David O.

Carter

Defendant (1)

Maksym I Popov TERMINATED: 04/08/2003 represented by James L Waltz

James L Waltz Law Office 23030 Lake Forest Drive Suite 201 Laguna Hills, CA 92653 949–587–0788 TERMINATED: 06/25/2002 LEAD ATTORNEY ATTORNEY TO BE NOTICED Designation: CJA Appointment

Thomas H Bienert . Jr

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED Designation: CJA Appointment

Pending Counts

18:371 CONSPIRACY (1)

18:1343 WIRE FRAUD (2)

18:1029(a)(2), 2(a) UNAUTHORIZED USE OF ACCESS DEVICE, AIDING AND ABETTING (11–14)

Disposition

BOP for a term of twenty seven months on each of counts 1, 2, and 11 through 14 and on Information filed under SACR 02–210, all such terms to be served concurrently. Supervised release for a term of three years on counts 1, 2, and 11 through 14, and on Information file under SACR 02–210, all such terms to run concurrently under T/C of USPO & GO 318 & 01–05. All fines are wavied. S/A of \$700. Restutition in the amount of \$50,240,04.

BOP for a term of twenty seven months on each of counts 1, 2, and 11 through 14 and on Information filed under SACR 02–210, all such terms to be served concurrently. Supervised release for a term of three years on counts 1, 2, and 11 through 14, and on Information file under SACR 02–210, all such terms to run concurrently under T/C of USPO & GO 318 & 01–05. All fines are wavied. S/A of \$700, Restutition in the amount of \$50,240.04.

BOP for a term of twenty seven months on each of counts 1, 2, and 11 through 14 and on Information filed under SACR 02–210, all such terms to be served concurrently. Supervised release for a term of three years on counts 1, 2, and 11 through 14, and on Information file under SACR 02–210, all

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such terms to run concurrently under T/C of USPO & GO 318 & 01–05. All fines are wavied. S/A of \$700. Restutition in the amount of \$50,240,04.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1343 WIRE FRAUD (3-10)

18:1029(a)(2), 2(a) UNAUTHORIZED USE OF ACCESS DEVICE, AIDING AND **ABETTING** (15-30)

Disposition

Government's motion all remaining counts ordered dismissed.

Government's motion all remaining counts ordered dismissed.

Highest Offense Level

(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by David S Lavine

Milberg Weiss Bershad Hynes & Lerach 100 Pine St, Ste 2600 San Francisco, CA 94111 415-288-4545 Email: david@awolfflaw.com TERMINATED: 08/04/2003 LEAD ATTORNEY ATTORNEY TO BE NOTICED

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/22/2001	<u>1</u>	INDICTMENT filed against Maksym I Popov (1) count(s) 1, 2–10, 11–30 filed by AUSA David S Lavine. Offense occurred in OC LA. (ts) (nbo). (Entered: 08/23/2001)
08/22/2001	2	CASE SUMMARY filed by AUSA David S Lavine, attorney for USA, as to Maksym I Popov. Defendant's date of birth: 5/02/80. (ts) (nbo). (Entered: 08/23/2001)
08/22/2001		BENCH WARRANT issued for Maksym I Popov by Magistrate Judge Arthur Nakazato Court orders Maksym I Popov detained. (ts) (Entered: 08/23/2001)
08/22/2001	<u>3</u>	MEMORANDUM filed by USA as to Maksym I Popov seeking authority for an investigative action and being filed on 8/22/01, does not relate to, a mtr pending in the

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		Organized Crime Section of the US Atty's Ofc before Sept 29, 2000, the date on which Magistrate Judge Stephen G. Larson resigned his appt in that ofc; or was personally involved or on which he was personally consulted while employed in the US Atty's Ofc. (ts) (nbo). (Entered: 08/23/2001)
08/22/2001	4	MEMORANDUM filed by USA as to Maksym I Popov seeking authority for an investigative action and being filed on 8/22/01, does not relate to, a mtr pending in the Narcotic Section of the US Atty's Ofc before April 20, 1999, the date on which Magistrate Judge Jeffrey W. Johnson resigned his appt in that ofc; or was personally involved or on which he was personally consulted while employed in the US Atty's Ofc. (ts) (nbo). (Entered: 08/23/2001)
08/22/2001	<u>5</u>	MEMORANDUM filed by USA as to Maksym I Popov. This criminal action, being filed on 8/22/01, was not pending in the U.S. Attorney's Office before 12/22/98, the date on which U.S. District Judge Nora M. Manella began receiving criminal matters. (ts) (nbo). (Entered: 08/23/2001)
08/22/2001	<u>6</u>	MEMORANDUM filed by USA as to Maksym I Popov. This criminal action, being filed on 8/22/01, was not pending in the U.S. Attorney's Office before 11/2/92, the date on which U.S. District Judge Lourdes G. Baird began receiving criminal matters. (ts) (nbo). (Entered: 08/23/2001)
04/16/2002	7	BENCH WARRANT returned executed as to Maksym I Popov 3/26/02. (th) (Entered: 04/18/2002)
04/18/2002	8	RULE 40 DOCUMENTS RECEIVED from USDC, Eastern District of Missouri at St Louis as to Maksym I Popov (mt) (Entered: 04/26/2002)
05/06/2002	2	MINUTES OF POST–INDICTMENT ARRAIGNMENT HEARING held before Magistrate Judge Arthur Nakazato as to Maksym I Popov: Reassigning case to Judge David O. Carter. Maksym I Popov (1) count(s) 1, 2–10, 11–30 arraigned and states true name is as charged. CJA Attorney James L Waltz appointed. First appearance of Maksym I Popov entered. Gov request detention. Dft waives PSA report and detention hearing. Gov's request is granted. Detention ordered. Dft is committed to the custody of the USM to be detained in Santa Ana. Dft states that he does not need the asistance of an interpreter. Jury trial set for 8:30am on 7/2/02; Status Conference hearing set for 1:30pm on 5/20/02. Tape No.: SA02–19 (th) (Entered: 05/08/2002)
05/06/2002	10	ORDER OF DETENTION by Magistrate Judge Arthur Nakazato as to Maksym I Popov. (cc: all counsel) (th) (Entered: 05/08/2002)
05/06/2002	11	STATEMENT OF DEFENDANT'S CONSTITUTIONAL RIGHTS filed as to Maksym I Popov. (th) (Entered: 05/08/2002)
05/06/2002	12	NOTICE OF REQUEST FOR DETENTION filed by USA as to Maksym I Popov. (th) (Entered: 05/08/2002)
05/06/2002	13	FINANCIAL AFFIDAVIT filed as to Maksym I Popov. (th) (Entered: 05/08/2002)
05/08/2002	14	BENCH WARRANT returned executed as to Maksym I Popov 4/29/02. (tso) (Entered: 05/09/2002)
05/20/2002	15	MINUTES OF STATUS CONFERENCE held before Judge David O. Carter as to Maksym I Popov: Jury trial cont to 8:30am on 12/10/02. Dft orally and through cnsl waived time for trial. Gov to prepare, serve and lodge a stipulation and proposed order for excludable time. Cnsl and dft ordered to be present. C/R: Mark Schweitzer (th) (Entered: 05/21/2002)
05/23/2002	16	STIPULATION AND ORDER filed by Judge David O. Carter as to Maksym I Popov: Trial continued to 8:30 am on 12/10/02. The time period of 07/02/02 to 12/10/02 is deemed excludable pursuant to 18:3161(h)(8)(A) . (tso) (Entered: 05/24/2002)
06/10/2002	17	NOTICE OF UNDER SEAL FILING by USA as to Maksym I Popov. (tso) (Entered: 06/10/2002)
06/25/2002	19	ORDER filed by Judge David O. Carter as to Maksym I Popov: CJA counsel James L Waltz is relieved as counsel for defendant. Court appoints Thomas H. Bienert Jr as new appointed counsel on behalf of defendant . (cc: all counsel) (tso) (Entered: 06/26/2002)

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04/07/2003	32	POSITION RE: SENTENCING filed by Maksym I Popov. (tso) (Entered: 04/07/2003)
04/08/2003	<u>33</u>	MINUTES OF SENTENCING HEARING held before Judge David O. Carter as to Maksym I Popov: Court orders Judgment and Probation/Commitment Order and transcript sealed, to be opened only by order of the Court. Government's mototion, all remaining count(s) ordered dismissed. Oral request by CJA counsel Thomas H. Bienert, Jr. for continued payment of services granted. C/R: Debbie Gale (tso) (Entered: 04/15/2003)
09/18/2003	38	PROBATION FORM 12 filed as to Maksym I Popov: Praying that the Court will order issuance of a bench warrant addressed to any United States Marshal or any other authorized officer within the United States of America, requiring the detention and return of Maksym I. Popov before the United States District Court at Santa Ana, California, to show cause why the supervision order, heretofore entered, should not be revoked. Approved by Judge David O. Carter. (tso) (Entered: 09/22/2003)
09/18/2003		BENCH WARRANT (SUPERVISED RELEASE) issued for Maksym I Popov by Judge David O. Carter. (tso) (Entered: 09/22/2003)
03/09/2005	39	DECLARATIN IN SUPPORT OF WARRANT FOR DEFENDANT UNDER SUPERVISION; ORDER filed by Judge David O. Carter as to Maksym I Popov. (cc: all counsel) (tso) (Entered: 03/11/2005)
04/01/2005	40	BENCH WARRANT returned unexecuted for Maksym I Popov. (ca) (Entered: 04/05/2005)
12/11/2006	41	EX PARTE APPLICATION for Order Unsealing Transcript of Sentencing Hearing For A Limited Purpose Filed by Plaintiff USA as to Defendant Maksym I Popov (es) (Entered: 12/14/2006)
12/14/2006	<u>42</u>	ORDER by Judge David O. Carter as to Defendant Maksym I Popov, Unsealing Transcript of Sentencing Hearing For A Limited Purpose 41 (es,) (Entered: 12/15/2006)
04/04/2007	43	SEALED DOCUMENT re TRANSCRIPT filed as to Maksym I Popov for dates of 04/08/03 before Judge David O Carter, Court Reporter: Debbie Gale. (ln,) (Entered: 04/06/2007)